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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-sixth session

SUMMARY RECORD OF THE 1077th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 2 March 1995, at 3 p.m.

Chairman: Mr. GARVALOV

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GE.95-15548 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4)(continued)

Eighth and ninth periodic reports of Italy (CERD/C/237/Add.1)(continued)

1. At the invitation of the Chairman, Mr. Torella di Romagnano, Professor Citarella, Ms. Manuguerra, Ms. Passannanti, Ms. Carla and Mr. Verga (Italy) resumed their places at the Committee table.

2. Professor CITARELLA (Italy), continuing his replies to members' questions, recalled that members had asked about the status of the Slovene minority in Italy, particularly now that the State of Yugoslavia had been dissolved. The Slovene minority had a special status in Italy, deriving from a number of agreements between Italy and Yugoslavia. The same special status had been accorded to the Italian-speaking minority in former Yugoslavia, although that group enjoyed rather fewer privileges now than before. The obligations undertaken by Yugoslavia in those international agreements had been fully assumed by two of Yugoslavia's successor States, Slovenia and Croatia.

3. Another question had concerned the financing of radio and television programmes in minority languages. Such programmes fell into two categories: firstly, those of the State broadcasting service which was organized on a regional basis, so that programmes in the Bolzano area, for example, were produced almost entirely in German, all the costs being borne by the State. Secondly, there were the programmes broadcast by private television and radio stations which were financed by advertising and a variety of other means, sometimes including a contribution from minority language groups.

4. The Committee had asked why no special agreements had been concluded with the Muslim community in Italy, as had been done in the case of the Jews, the Seventh Day Adventists and other religious groups. The difference between the Muslim community and the other groups in question was that the Muslims did not have a supreme national authority with which such an agreement could be concluded. In several cases, there had been agreements between the Italian authorities and Muslim communities at the local level: for instance, in Rome the Muslim community had been granted the right to build a large mosque and a university in a central part of the city. Similar special agreements had been concluded in a number of other cities.

5. Members had asked about the number of acts of discrimination taking place in Italy. The Italian authorities kept records of even the most minor incidents, even down to swastikas painted on walls, but as far as actual criminal acts were concerned, he could state that three or four serious incidents involving the Roma (nomad) community had taken place recently in the Rome area; two incidents had taken place in Bologna, in one of which two members of the Roma community had died; and a camp had been destroyed in a fire near the city of Caserta, for which 29 people were facing criminal charges. As far as acts of anti-Semitism were concerned, there had been four

or five cases of desecration of Jewish cemeteries, probably in imitation of similar incidents in other European countries. A number of people were being prosecuted in connection with those offences.

6. The Committee had asked what organizations had been banned because of their racist activities. A number of organizations linked with Fascist ideology had been banned under a 1952 law, including the organizations "Ordine Nuovo" and "Fronte Celtico". Other extreme right-wing or "skinhead" groups had been banned under Decree-Law No. 122 of 1993, including the "Movimento Politico Occidentale" in Rome and the "Fronte Nazionale" in Verona. Two groups of judges in Rome were concentrating particularly on incidents of racial discrimination: one dealt with minority issues and the other with violent or politically-linked incidents of xenophobia, racism or intolerance. Details of incidents of racism and racial violence reported from all over Italy were stored on a database.

7. The Committee had asked about the status of the Convention in Italian law. When the Italian Parliament had passed the law ratifying the Convention, it had also passed another law providing that the Convention was to be applied in full under Italian law and fixing penalties for failure to abide by the Convention's provisions. That law could not be overturned by any subsequent legislation, because any such attempt would be considered contrary to Italy's international obligations and would thus be forbidden under the Constitution.

8. He was aware that he had not answered all the questions put by members, but he did have some statistical data which he would hand over to the secretariat.

9. Mr. TORELLA DI ROMAGNANO (Italy) said that the questions which had not yet been answered would be dealt with in Italy's next periodic report.

10. Some members of the Committee had appeared concerned about the possibility of a Fascist or neo-Nazi revival in Italy. He wished to assure the Committee that democracy in Italy rested on firm foundations and that the conditions which had encouraged the rise of fascism there in the 1930s no longer existed. Most neo-Nazis and "skinheads" were young people - too young to be arrested, in fact - but the right-wing organizations behind them had been banned and their offices raided, and police had confiscated racist propaganda material. He felt that the Italian people did not basically dislike foreigners, although there had been persecution of Jews during the Fascist era as a result of the influence of Nazi Germany.

11. Mr. de GOUTTES (Country Rapporteur) said that, although he had pointed out a number of shortcomings in the Italian report, the Government of Italy was to be congratulated on its recent legislative reforms, which went a long way towards removing the need for Italy's reservation to article 4 of the Convention. The Italian delegation had in fact indicated that the Government was considering ways of formally withdrawing its reservation in respect of article 4 at some point in the future.

12. The Italian representatives had answered many of the Committee's questions in the short time at their disposal, and he was sure that the remaining questions would be dealt with in Italy's next periodic report. The representatives had mentioned a number of racist or xenophobic incidents in Italy, which were, sadly, symptomatic of the general resurgence of racist ideologies in Europe.

13. It was paradoxical that the Italian delegation had been unable to furnish details of cases of racial discrimination pending before the Italian courts, Italian judges being famous throughout the world for their authority and independence. He could believe that the judicial process was slow-moving, but he found it harder to accept the argument that cases before the courts must be surrounded by the utmost secrecy. Surely a simple tally of the number of cases of racial discrimination before the courts could not affect their outcome in any way.

14. Finally, he asked whether the Government of Italy had approved the amendment to article 8, paragraph 6 of the Convention, concerning the financing of the Committee's work.

15. Mr. van BOVEN said it was important that Italy should formally withdraw its reservation in respect of article 4 of the Convention. There appeared to be a misapprehension among States parties that a reservation would eventually lapse even if it was not formally withdrawn, which was not the case. It would set a valuable example if Italy were to withdraw its reservation, since many States still maintained reservations in respect of that article, including one major State which had only recently acceded to the Convention.

16. The CHAIRMAN thanked the representatives of Italy for participating in the Committee's consideration of Italy's eighth and ninth periodic reports.

17. Mr. Torella di Romagnano, Professor Citarella, Ms. Manuquerra, Ms. Passannanti, Ms. Carla and Mr. Verga (Italy) withdrew.

Eleventh, twelfth and thirteenth periodic reports of Cyprus (CERD/C/263/Add.1; HRI/CORE/1/Add.28).

18. At the invitation of the Chairman, Mr. Markides, Mr. Macris, Mrs. Loizidou and Mrs. Markides (Cyprus) took places at the Committee table.

19. Mr. MARKIDES (Cyprus), introducing the eleventh, twelfth and thirteenth periodic reports of Cyprus, contained in one document (CERD/C/263/Add.1), said that the promotion and protection of human rights and the elimination of all forms of discrimination were enshrined in the Constitution of his country. Effective legislative on and administrative protection of human rights was guaranteed through democratic institutions and by the accession of Cyprus to a broad range of international human rights instruments, which took precedence over all other Greek laws except the Constitution itself.

20. He apologized for the delay in Greece's submission of its eleventh and twelfth periodic reports; every effort would be made to ensure that future reports were submitted on time. The document before the Committee had been drawn up by a committee of senior officials from the Foreign Ministry, the

Ministry of Justice and Public Order, the Ministry of the Interior and the Attorney-General's Office, under the chairmanship of the Law Commissioner. Further information was contained in the background document HRI/CORE/1/Add.28.

21. In the period covered by the reports, Cyprus had made the declaration provided for in article 14 of the Convention, which allowed individuals to address their complaints directly to the Committee. It had also initiated the procedure of acceptance of the amendment to article 8, paragraph 6, of the Convention. It was hoped that the law accepting that amendment would be adopted within the next few days.

22. With regard to article 4 of the Convention, a relatively recent legislative development was the enactment of Law No. 11 (III) of 1992 which created a number of offences relating to acts amounting to racial discrimination and stipulated the applicable punishment. The main offences created were incitement orally or through the press to acts likely to cause racial discrimination; participation in organizations promoting propaganda aiming at racial discrimination; the expression of ideas insulting to a person or group of persons by reason of their racial or ethnic origin or religion; and refusal to supply goods or services to a person on account of his racial or ethnic origin or religion. The penalties for those offences were described in the report.

23. The Committee was aware of the fact that for 21 years the Government of Cyprus had been unable to exercise its full responsibility for the implementation of all its obligations under the Convention, especially article 5, throughout its national territory, because of the continuing occupation of 37 per cent of that territory. He expressed deep appreciation for the principled position the Committee had adopted over the years regarding the unacceptable situation imposed by Turkey on Cyprus, which had led to the denial of basic human rights guaranteed by the Convention and other international instruments. Grave violations of the basic human rights and fundamental freedoms of the people of Cyprus were still being committed by the occupying Power. Some 200,000 Greek Cypriots, accounting for 82 per cent of the population of the occupied territory, who had been uprooted by the 1974 invasion and had become refugees in their own country, were not allowed to return to their homes and properties in the occupied area. Turkey had failed to account for the fate of 1,619 missing Greek Cypriots. Only 500 of the 20,000 Greek Cypriots who had remained in the occupied area after the 1974 invasion were still living there, and they were being subjected to intimidation and harassment, as had been indicated by the Secretary-General of the United Nations in his report A/49/415 of 21 September 1994. Members of the Maronite community in the area had also suffered the consequences of the policy of racial discrimination practised by the Turkish forces and their numbers had dramatically declined, reportedly to the point of extinction. The Greek Cypriots were victimized because of their ethnic origin. The policy of ethnic cleansing pursued by the occupying Power was clearly an act of racial segregation and discrimination.

24. Turkish Cypriots were also victims of the occupation. Massive emigration had reduced their numbers from 120,000 in 1974 to only 80,000, a phenomenon caused mainly by the lack of respect for even basic human rights in the occupied area. Turkish Cypriots were prevented from exercising their freedom of movement and right of settlement since they were denied the right to visit or to settle in the Government-controlled area of the Republic. The situation was further characterized by the continuing plundering of the cultural heritage of the Greek Cypriots and the radical alteration of the demographic composition of the population in the area under Turkish military occupation through the massive importation of settlers, who were now more numerous than the Turkish Cypriots. That meant that a substantial part of the Greek Cypriot population was prevented from enjoying its legitimate rights.

25. The report of the Secretary-General of the United Nations to the Commission on Human Rights at its fifty-first session and the Committee's positive comments on previous periodic reports rightly pointed to the satisfactory human rights record of the Republic of Cyprus. His Government pledged its willingness to cooperate fully with the Committee and expressed its determination to promote the objectives of the Convention despite the complex political situation created in his country by foreign occupation.

26. Mr. RECHETOV (Country Rapporteur) said that the high-ranking delegation sent by the Government of Cyprus testified to the importance that country attached to human rights and to the work of the Committee. Given the difficult conditions of life in Cyprus, the renewal of that country's dialogue with the Committee and the submission of a periodic report (CERD/C/263/Add.1) was most gratifying, as was the information that the report had been prepared by an interministerial and interdisciplinary Committee. The periodic reports now before the Committee had to be considered in conjunction with previous periodic reports and, in particular, with the 1993 core document HRI/CORE/1/Add.28, which provided detailed information, inter alia, on the demographic composition of Cyprus. Positive points to emerge from those reports were that international instruments were directly applicable in Cyprus, and that the country had a highly developed political tradition and one of tolerance towards all political groupings.

27. The Committee had previously commended Cyprus on the action - including legislative measures it had taken to implement the Convention. A number of welcome new developments were now reported, including the acceptance of the individual communications procedure under article 14 of the Convention and the imminent acceptance by the House of Representatives of the amendment to article 8 of the Convention which had been adopted at the fourteenth meeting of States parties.

28. The Committee attached great importance to education, which could be regarded as a human right in itself. The information provided in paragraphs 32 to 37 of the thirteenth report reflected an exemplary approach to education in human rights and international understanding that contrasted with the spirit of education in some countries and might well serve as a guide to the Committee in drawing up specific general recommendations on education.

29. The new Section 2A of Law 11 (III) of 1992 creating a number of offences relating to acts amounting to racial discrimination, the text of which was reproduced in paragraph 12 of the report, could serve as model legislation for countries seeking to outlaw racial discrimination. Few countries had such far-reaching provisions as the one making it a punishable offence to refuse to supply goods or services to a person by reason of that person's racial or ethnic origin or religion. He sounded a word of caution, however, about the implementation of such legislation. It might be difficult to prove in a court of law that a person had "intentionally" incited acts likely to cause discrimination (para. (1) of Section 2A) or that a person had committed a discriminatory act against another person or group of persons by reason only of their racial or ethnic origin or religion (paras. (1) and (4)).

30. Turning to the situation in Cyprus as described in the oral introduction to the report, he said that the unacceptable conditions brought about by the occupation by Turkey of part of the territory of the Republic of Cyprus continued to prevail, preventing Cyprus from fulfilling its obligations under the Convention throughout its territory. The position of the international community was reflected in a large number of statements by various United Nations bodies and international organizations. He drew attention, in particular, to the statements contained in reports by the Secretary-General of the United Nations to the Security Council (S/26777 and S/24050), referred to in paragraphs 76 and 63, respectively, of the thirteenth periodic report.

31. The situation in Cyprus had been investigated in detail by the European Commission of Human Rights, and he drew attention to paragraphs 46, 47 and 53 of the periodic report describing that Commission's findings concerning Turkey's responsibility for violations of the human rights of Greek Cypriots because of their ethnic origin, race and religion, and for the displacement of persons, who were, moreover, prevented from returning to their homes, and concerning its policy of discrimination, all of which constituted violations of the rights of Greek Cypriots under a number of articles of the European Convention on Human Rights. The situation in Cyprus had also been investigated recently by the Parliamentary Assembly of the Council of Europe, and he drew attention to the findings on Turkey's colonization policy contained in the report of the Rapporteur of the Committee on Refugees, Migration and Demography, Mr. Alfonse Cuco, and referred to in paragraph 70 of the thirteenth periodic report. The Committee on the Elimination of Racial Discrimination had itself expressed serious concern about human rights violations and changes in the demographic composition in the part of Cypriot territory not controlled by the Government of Cyprus.

32. Although the legislation of Cyprus afforded sound guarantees for the protection of human rights, the Committee must surely question the statement in paragraph 2 of the report that over the lengthy period covered by the report no case of racial discrimination of any kind had been reported or brought before any Cyprus court or authority. That kind of claim prompted him to point out that there was a difference between discrimination by the State and discrimination by individuals, and to ask whether people were properly informed about their rights and whether they fully trusted the authorities or tribunals to defend them. A similar comment might be made concerning the sweeping statements in paragraphs 13 and 15 of the report; legislative protection did not by itself guarantee that all rights were enjoyed by every

person in practice. Again, with reference to paragraph 7, the fact that discriminatory acts were punishable did not necessarily mean that such punishment was always enforced. All those statements therefore warranted review in the next periodic report.

33. Some clarification was needed of the classification of Maronites, Armenians and Latins as religious groups in paragraph 21. The wording of paragraph 22 gave the impression that there was some sort of hierarchy in which those three religious groups had a lower status in terms of constitutional guarantees than the Greek and Turkish communities. He requested further information on their respective status.

34. Deducing from paragraph 26 of the report that any law or provisions thereof that violated human rights could be declared unconstitutional by the Supreme Court, he asked whether the Court could take the initiative in that respect, or whether it was the responsibility of other instances to call for a ruling.

35. Noting from paragraph 31 that "all" religious groups were allowed to have their own schools, he requested a more detailed account, either from the Government's delegation or in the next periodic report, of the effective exercise of that right. He would also welcome further information on Government subsidies to such schools.

36. In conclusion, he expressed overall satisfaction with the dialogue under way with the Government of Cyprus and hoped that it would become even more fruitful in the future.

37. Mr. ABOUL NASR, after commending the current report of Cyprus and its oral introduction, said that he was in general agreement with the Country Rapporteur's analysis, except on two points. First, he could not agree with Mr. Rechetov that the content of paragraph 2 indicated an absence of racial discrimination in Cyprus. Rather, and as the paragraph itself stated, no case of such discrimination had been reported or brought to law: that was a quite different matter. Secondly, paragraph 15 stated that all rights were "enjoyable" by all the citizens of the Republic: that did not necessarily mean that they were universally enjoyed.

38. In other respects, he endorsed the Country Rapporteur's remarks, particularly concerning paragraphs 21 to 24 of the report, which he himself saw as reflecting a confused and indeed catastrophic state of affairs. Perhaps the root cause of the situation in Cyprus - as of that in other countries, such as Palestine - was the persistence of a colonial heritage, notably in the constitutional and legislative areas. But whatever the cause, change was urgently needed.

39. Paragraph 21 of the report referred to three "other religious groups" in Cyprus, in addition to the "main religious groups of Orthodox and Muslims". Whether the Maronites, the Armenians and the "Latins" - whoever they might be - were in fact religious or other types of communities was a moot point; at all events, an underlying and dangerously divisive distinction seemed to be made between Muslims and Christians of various denominations: that could hardly be described as conducive to reconciliation. Why, indeed, had the

three so-called religious groups opted to belong to the "constitutionally recognized" Greek community? He recalled with approval the fact that none of the world's Muslim States had recognized the entity established in Cyprus by the Turkish invader. What he found to be a grave threat was the persistent attempt, from whatever sources, to create or consolidate divisions along religious lines.

40. With regard to paragraph 23 of the report, he wished to know whether a person of Muslim faith domiciled in the Republic of Cyprus could be appointed to public office and, with regard to paragraph 24, whether all religious groups had the right of representation. He drew from that paragraph the inference that only elections for representatives of the "religious" groups had taken place in recent times. If that was correct it seemed to indicate a very limited exercise in democracy.

41. In conclusion, he considered, like the Country Rapporteur, that the Committee could not remain silent in the face of a situation where a government was prevented, by the use of force, from applying the provisions of the Convention in some 37 per cent of the territory for which it was constitutionally responsible. The Committee's concern must be clearly reflected in its concluding observations, which should also voice the hope that negotiations under the auspices of the United Nations would bear fruit without undue delay.

42. Mr. MARKIDES (Cyprus) said that the division to which the previous speaker had referred was indeed the product of an imposed Constitution - "une constitution octroyée", in diplomatic terms - which had not been sanctioned by a constitutional assembly. That imposition had formed part of the Zurich-London Agreements of August 1960, and had been a condition of Cypriot independence, in connection with which 82 per cent of the population had been described as the Greek Cypriot community and 18 per cent as the Turkish Cypriot community, between which a number of religious communities being called upon to choose to adhere to one or the other.

43. Mr. de GOUTTES noted from the report a number of positive developments, particularly the decision of Cyprus to make the declaration under article 14 of the Convention, the initiation of the procedure for acceptance of the amendment to article 8, and the enactment of legislation which appeared generally to ensure compliance with article 4. On the other hand, he regretted that the report did not refer to the general legal framework within which human rights were protected and that it did not contain updated demographic information.

44. With reference to paragraphs 25 to 29 of the report, he was surprised to note that despite the opportunities that existed as a result of the interlinking of the Convention, the Constitution of the Republic and its law, no claim appeared to have been lodged for redress in connection with the violation of safeguarded human rights. Could the delegation of Cyprus comment on that matter?

45. Like Mr. Aboul Nasr, he found the paragraphs of the report concerning religious groups disturbing. He also agreed that the Committee could not remain silent in the face of the factors and the difficulties affecting the

implementation of the Convention, as set out in considerable detail in the third part of the report. He had been especially concerned to learn recently of plans to grant land title-deeds to Turks residing on Cypriot soil.

46. He believed that the Committee should again express the hope that the Government of the Republic of Cyprus would be able speedily to resume its responsibility for implementation of the Convention throughout the country's territory.

47. Mr. CHIGOVERA said he joined in the expression of general satisfaction with the report before the Committee, but nevertheless wished to request clarifications of a few points.

48. Firstly, and notwithstanding the general statement in paragraphs 13 to 24 concerning article 5 of the Convention, he requested more detailed information on the effective exercise of the rights enumerated in article 5 (e) (iii)-(vi).

49. Next, with reference to paragraphs 21 to 24, he wished to know whether, in the Republic of Cyprus, any person was free to practice any religion other than those referred to in those paragraphs. Regarding paragraph 22, he asked what was meant by "constitutionally recognized" communities, and what were the legal and practical implications of that status.

50. Concerning paragraph 31, he too requested further information on the access of religious groups other than those mentioned in the report to their own schools, and inquired whether persons of one faith enjoyed access to educational establishments run on behalf of another: for example, were Muslims admitted to Orthodox schools?

51. Finally, in connection with paragraph 44 of the report, he asked whether any progress had been made in the United Nations-sponsored negotiations designed to enable the Government of the Republic of Cyprus to exercise its full responsibility for the implementation of all its obligations under the Convention throughout the territory of Cyprus, the impossibility of which had been acknowledged by the Committee as long ago as 1983.

52. Mr. LECHUGA HEVIA said that his principal concerns, notably in regard to what was stated in paragraphs 21 to 24 of the report, had already been voiced by Mr. Aboul Nasr. He, too, was inclined to lay much of the blame for the present situation on the constitutional conditions imposed by the former colonial Power. Notwithstanding the many difficulties, the Government of the Republic of Cyprus had obviously made considerable efforts to comply with its obligations under the Convention, and he looked forward to further confirmation of that, notably with regard to the treatment of religious groups. While acknowledging those efforts, the Committee, in its concluding observations, should firmly condemn the military occupation which rendered the protection of rights under the Convention throughout the territory of Cyprus so difficult.

53. Mr. BANTON referred to paragraph 12 of the report, which quoted the legislative provision that:

> "1. Any person who ... intentionally incites acts or activities which are likely to cause discrimination, hatred or violence against any person or group of persons by reason only of their racial or ethnic origin or their religion is guilty of an offence ...".

As it stood, that text raised doubts in his mind. In the first place, he inquired whether a distinction was indeed made in the law of Cyprus between acts and activities, and - if so - on what basis. Secondly, he was not sure whether the rather unclear formulation, "intentionally incites acts or activities which are likely to cause discrimination ..." was in full compliance with the provisions of article 4 (b) of the Convention, which made all incitement, whether with or without intent, an offence punishable by law. Thirdly, the presence of the word "only" in the text seriously restricted the extent of the prohibition. In reality, and as other States parties, Australia in particular, had learned from experience, such a limitation failed to take account of the fact that discrimination often had more than a single dimension and could follow not only racial, ethnic or religious, but also social, economic and other lines. To require the prosecution to establish a sole motive for incitement was to leave the way open for manoeuvring by the defence to cite others. Australia had modified its legislation as a consequence of that experience; the delegation of the Republic of Cyprus might wish to comment on that point, and on the other concerns he had raised.

54. The report of the Secretary-General in connection with the Security Council's comprehensive reassessment of the United Nations operation in Cyprus (S/26777) contained, in paragraph 102 (b), the following statement: "Both sides must work more effectively to promote tolerance and reconciliation. Both have been wanting in this respect. Neither teaches the other's language in its schools ...". Paragraph 102 (c) stated: "On the Greek Cypriot side, there is a widespread reluctance to have anything to do with the Turkish Cypriot side in current circumstances", and gave some examples. Paragraph 102 (d) stated "Simultaneously, the two sides, despite their professed aim of forging an agreed settlement ... carry out an endless propaganda campaign against each other that is incompatible with this objective ...". Members of the Committee would doubtless welcome comments by the delegation of the Republic of Cyprus in that connection.

55. Mr. SHAHI said that the present report should be read in conjunction with the more detailed ninth periodic report, submitted by the Government of the Republic of Cyprus in November 1987. The conclusion to be drawn was that impressive efforts had been made by that Government to implement the democratic provisions concerning fundamental and other human rights spelt out in the country's Constitution.

56. He agreed, however, with much of what Mr. Aboul Nasr had said. A number of points mentioned in paragraphs 21 to 24 of the report required clarification. He himself had played a modest part, on behalf of his country - which had some tragic experience in the matter - in the endeavour to ensure that the displacement of populations as a result of historical circumstances at a particular time did not result in permanent partition in

Cyprus; he wished further to make it clear that wherever Muslims were victimized, Pakistan would take a naturally sympathetic stand on their behalf. International obligations had to be respected, however, and Pakistan had not recognized the so-called "Turkish Republic of Northern Cyprus".

57. Noting the relatively small number of persons belonging to the three so-called "other religious groups" in comparison with the Orthodox and Muslim communities, he wished to know whether total displacement of the respective populations had occurred along the officially recognized communal lines. He understood that very few Greek Cypriots remained in Turkish Cypriot areas; was the converse true?

58. He noted that the rights of religious minorities were recognized, but he wished to know whether any substantial number of Turkish Cypriots lived in the area under the control of the Greek Cypriot Government and whether they enjoyed the same rights as Greek Cypriots, had any political representation or held any political office. He also asked whether the information given in paragraph 31 of the report concerning the right to attend a public school applied also to Turkish Cypriots?

59. Mrs. SADIQ ALI congratulated the Government of Cyprus on its submission of a comprehensive report in spite of the difficulties affecting its implementation of the Convention. She was particularly pleased that Cyprus had made the declaration under article 14 of the Convention and had filled in the gaps with regard to article 4. In connection with the implementation of article 7, she wished to know what measures had been adopted to sensitize law enforcement agencies and whether human rights programmes for the judiciary had been undertaken.

60. She, too, was concerned about the division of Cyprus and she wished to know what was preventing the implementation of confidence-building measures between the Greek Cypriot and the Turkish Cypriot communities? The report produced pursuant to Commission on Human Rights decision 1994/110 concluded that the absence of agreement was due essentially to a lack of political will on the Turkish Cypriot side. Whatever the reason for that might be, some settlement must be sought. What were the five options which the Secretary-General had presented and what were the obstacles to their implementation? She would also like to know what prospects there were for a bi-communal and bi-zonal federation, which should be established at an early date in order to promote tolerance and reconstruction.

61. Concern had been expressed about the strength of the other side in Cyprus. Security Council resolution 789/1992 had recommended that the Turkish forces on the island should be reduced to their 1982 level and that the Greek Cypriot side should reciprocate by suspending weapons acquisition programmes. The United Nations operation in Cyprus had done commendable work in the present buffer zone. There was, however, a danger that a vacuum might be created. The status quo, which the Security Council deemed to be unacceptable, had been established through the use of force and was sustained by military strength. There was therefore still a danger that might flare up again if the two sides did not show a serious willingness to compromise. She

would appreciate some information on what progress had been made in that regard. She agreed with the points made by Mr. de Gouttes and thanked Mr. Rechetov for his very good analysis of the report before the Committee.

62. Mr. YUTZIS noted the regular compliance of Cyprus with its obligations under the Convention. It was, however, surprising that no complaint had been made about any kind of racial discrimination in Cyprus. That did not necessarily mean that no problems existed, since people might not know how to lodge a complaint. Some further information on that point would be appreciated. He would also like to know whether the right to work existed in Cyprus.

63. Previous reports submitted by Cyprus had contained demographic data, but none had been included in the current report. In recent years, the population of Cyprus had apparently increased by approximately 45,000 persons, and it would be interesting to know the demographic composition of that increase. Information on the social status of minorities would also be welcome. The core document (HRI/CORE/1/Add.28) provided data on such matters as infant mortality, literacy and unemployment, but the report now under consideration did not state which sectors of the population were most affected. If information on that subject was not immediately available, the Government of Cyprus might perhaps submit it in a subsequent document.

64. As Mr. Barton had pointed out, there was some confusion regarding Section 2A of Law 11 of 1992, referred to in paragraph 12 of the report. He had doubts about the use of the expression "in public" in paragraphs (1) and (3) of the Section. It was presumably opposed to "in private". Did that mean that an organization which advocated racism on its own premises could not be prosecuted because it had done so "in private" and that racist comments made by a priest in church would be considered "private". An explanation of that point would be appreciated. He was also worried by the use of the word "intentionally" in paragraph (1) of Section 2A, since it did not appear in any article of the Convention, not even in article 4, which was quite categorical. The word "intentionally", especially when taken in conjunction with the use of the subjunctive mood in the Spanish version of the words "are likely to cause", was unclear. Moreover, as Mr. Barton had also pointed out, the use of the word "only" in the fourth line of paragraph 1 of Section 2A was not a very happy choice. The delegation of Cyprus might wish to inform the Committee what the intention of the drafters of the law had been.

65. The price which Cyprus was having to pay for its once strategic position was very high. Some very harsh ethnic conflicts were taking place in different parts of the world, but in certain cases the conflicts had been resolved. He therefore regretted the absence of an agreement that would create the conditions needed to alter the situation in Cyprus, so that all Cypriots could live different lives. The fact that a member of the Committee, Mr. Sherifis, had been unable to return home was not consistent with the observance of human rights, and it was regrettable that the Government of Cyprus could not comply with the Convention in the Turkish-held territories of the island, where violations of human rights had taken place.

66. Mr. SONG praised the quality of the report submitted by Cyprus, especially the information provided on the implementation of article 7 of the Convention. As far as the territorial issue was concerned, he wished to repeat the comments which he had made in 1989, when he had stated that it was a matter of concern that the Convention could not be fully implemented in part of the territory of Cyprus and that one member of the Committee had been prevented from returning home. As the Greek Cypriot and Turkish Cypriot sides had a long history of living on the island, he hoped that the issue could be resolved through peaceful means. The Committee's work should be conducive to peaceful negotiations.

67. The CHAIRMAN announced that the consideration of the eleventh, twelfth and thirteenth periodic reports of Cyprus would be continued at the next meeting.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

68. The CHAIRMAN outlined the arrangements for the second week of the session, which would include consideration of the letter recently received from the Ambassador of Yugoslavia. Cambodia would not be sending a representative, but the Director of the United Nations Office at Phnom-Penh, who was at present in Geneva, would be willing to report to the Committee on developments in Cambodia at the beginning of the Committee's consideration of the situation there. That would allow the Committee to benefit from the Director's first-hand information, and the Director, who was helping with the preparation of Cambodia's reports to several United Nations treaty monitoring bodies, including the Committee on the Elimination of Racial Discrimination, to benefit from the experience gained from his participation in the Committee's work. The information to be provided by the Director would supplement information supplied by the Government. In the absence of any objection, he would take it that the Committee approved those arrangements.

69. It was so agreed.

The meeting rose at 6.05 p.m.